

1 AN ACT concerning children.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Open Meetings Act is amended by changing
5 Section 1.02 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering of a majority of a quorum
9 of the members of a public body held for the purpose of
10 discussing public business.

11 "Public body" includes all legislative, executive,
12 administrative or advisory bodies of the State, counties,
13 townships, cities, villages, incorporated towns, school
14 districts and all other municipal corporations, boards,
15 bureaus, committees or commissions of this State, and any
16 subsidiary bodies of any of the foregoing including but not
17 limited to committees and subcommittees which are supported
18 in whole or in part by tax revenue, or which expend tax
19 revenue, except the General Assembly and committees or
20 commissions thereof. "Public body" includes tourism boards
21 and convention or civic center boards located in counties
22 that are contiguous to the Mississippi River with populations
23 of more than 250,000 but less than 300,000. "Public body"
24 includes the Health Facilities Planning Board. "Public body"
25 does not include a child death review team or the Illinois
26 Child Death Review Teams Executive Council established under
27 the Child Death Review Team Act or an ethics commission,
28 ethics officer, or ultimate jurisdictional authority acting
29 under the State Gift Ban Act as provided by Section 80 of
30 that Act.

31 (Source: P.A. 90-517, eff. 8-22-97; 90-737, eff. 1-1-99;

1 91-782, eff. 6-9-00.)

2 Section 10. The Freedom of Information Act is amended by
3 changing Section 2 as follows:

4 (5 ILCS 140/2) (from Ch. 116, par. 202)

5 (Text of Section before amendment by P.A. 91-935)

6 Sec. 2. Definitions. As used in this Act:

7 (a) "Public body" means any legislative, executive,
8 administrative, or advisory bodies of the State, state
9 universities and colleges, counties, townships, cities,
10 villages, incorporated towns, school districts and all other
11 municipal corporations, boards, bureaus, committees, or
12 commissions of this State, and any subsidiary bodies of any
13 of the foregoing including but not limited to committees and
14 subcommittees which are supported in whole or in part by tax
15 revenue, or which expend tax revenue. "Public body" does not
16 include a child death review team or the Illinois Child Death
17 Review Teams Executive Council established under the Child
18 Death Review Team Act.

19 (b) "Person" means any individual, corporation,
20 partnership, firm, organization or association, acting
21 individually or as a group.

22 (c) "Public records" means all records, reports, forms,
23 writings, letters, memoranda, books, papers, maps,
24 photographs, microfilms, cards, tapes, recordings, electronic
25 data processing records, recorded information and all other
26 documentary materials, regardless of physical form or
27 characteristics, having been prepared, or having been or
28 being used, received, possessed or under the control of any
29 public body. "Public records" includes, but is expressly not
30 limited to: (i) administrative manuals, procedural rules,
31 and instructions to staff, unless exempted by Section 7(p) of
32 this Act; (ii) final opinions and orders made in the

1 adjudication of cases, except an educational institution's
2 adjudication of student or employee grievance or disciplinary
3 cases; (iii) substantive rules; (iv) statements and
4 interpretations of policy which have been adopted by a public
5 body; (v) final planning policies, recommendations, and
6 decisions; (vi) factual reports, inspection reports, and
7 studies whether prepared by or for the public body; (vii) all
8 information in any account, voucher, or contract dealing with
9 the receipt or expenditure of public or other funds of public
10 bodies; (viii) the names, salaries, titles, and dates of
11 employment of all employees and officers of public bodies;
12 (ix) materials containing opinions concerning the rights of
13 the state, the public, a subdivision of state or a local
14 government, or of any private persons; (x) the name of every
15 official and the final records of voting in all proceedings
16 of public bodies; (xi) applications for any contract, permit,
17 grant, or agreement except as exempted from disclosure by
18 subsection (g) of Section 7 of this Act; (xii) each report,
19 document, study, or publication prepared by independent
20 consultants or other independent contractors for the public
21 body; (xiii) all other information required by law to be made
22 available for public inspection or copying; (xiv) information
23 relating to any grant or contract made by or between a public
24 body and another public body or private organization; (xv)
25 waiver documents filed with the State Superintendent of
26 Education or the president of the University of Illinois
27 under Section 30-12.5 of the School Code, concerning nominees
28 for General Assembly scholarships under Sections 30-9, 30-10,
29 and 30-11 of the School Code and (xvi) complaints, results of
30 complaints, and Department of Children and Family Services
31 staff findings of licensing violations at day care
32 facilities, provided that personal and identifying
33 information is not released.

34 (d) "Copying" means the reproduction of any public

1 record by means of any photographic, electronic, mechanical
2 or other process, device or means.

3 (e) "Head of the public body" means the president,
4 mayor, chairman, presiding officer, director, superintendent,
5 manager, supervisor or individual otherwise holding primary
6 executive and administrative authority for the public body,
7 or such person's duly authorized designee.

8 (f) "News media" means a newspaper or other periodical
9 issued at regular intervals, a news service, a radio station,
10 a television station, a community antenna television service,
11 or a person or corporation engaged in making news reels or
12 other motion picture news for public showing.

13 (Source: P.A. 89-681, eff. 12-13-96; 90-144, eff. 7-23-97;
14 90-670, eff. 7-31-98.)

15 (Text of Section after amendment by P.A. 91-935)

16 Sec. 2. Definitions. As used in this Act:

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18 administrative, or advisory bodies of the State, state
19 universities and colleges, counties, townships, cities,
20 villages, incorporated towns, school districts and all other
21 municipal corporations, boards, bureaus, committees, or
22 commissions of this State, and any subsidiary bodies of any
23 of the foregoing including but not limited to committees and
24 subcommittees which are supported in whole or in part by tax
25 revenue, or which expend tax revenue. "Public body" does not
26 include a child death review team or the Illinois Child Death
27 Review Teams Executive Council established under the Child
28 Death Review Team Act.

29 (b) "Person" means any individual, corporation,
30 partnership, firm, organization or association, acting
31 individually or as a group.

32 (c) "Public records" means all records, reports, forms,
33 writings, letters, memoranda, books, papers, maps,
34 photographs, microfilms, cards, tapes, recordings, electronic

1 data processing records, recorded information and all other
2 documentary materials, regardless of physical form or
3 characteristics, having been prepared, or having been or
4 being used, received, possessed or under the control of any
5 public body. "Public records" includes, but is expressly not
6 limited to: (i) administrative manuals, procedural rules,
7 and instructions to staff, unless exempted by Section 7(p) of
8 this Act; (ii) final opinions and orders made in the
9 adjudication of cases, except an educational institution's
10 adjudication of student or employee grievance or disciplinary
11 cases; (iii) substantive rules; (iv) statements and
12 interpretations of policy which have been adopted by a public
13 body; (v) final planning policies, recommendations, and
14 decisions; (vi) factual reports, inspection reports, and
15 studies whether prepared by or for the public body; (vii) all
16 information in any account, voucher, or contract dealing with
17 the receipt or expenditure of public or other funds of public
18 bodies; (viii) the names, salaries, titles, and dates of
19 employment of all employees and officers of public bodies;
20 (ix) materials containing opinions concerning the rights of
21 the state, the public, a subdivision of state or a local
22 government, or of any private persons; (x) the name of every
23 official and the final records of voting in all proceedings
24 of public bodies; (xi) applications for any contract, permit,
25 grant, or agreement except as exempted from disclosure by
26 subsection (g) of Section 7 of this Act; (xii) each report,
27 document, study, or publication prepared by independent
28 consultants or other independent contractors for the public
29 body; (xiii) all other information required by law to be made
30 available for public inspection or copying; (xiv) information
31 relating to any grant or contract made by or between a public
32 body and another public body or private organization; (xv)
33 waiver documents filed with the State Superintendent of
34 Education or the president of the University of Illinois

1 under Section 30-12.5 of the School Code, concerning nominees
2 for General Assembly scholarships under Sections 30-9, 30-10,
3 and 30-11 of the School Code; (xvi) complaints, results of
4 complaints, and Department of Children and Family Services
5 staff findings of licensing violations at day care
6 facilities, provided that personal and identifying
7 information is not released; and (xvii) records, reports,
8 forms, writings, letters, memoranda, books, papers, and other
9 documentary information, regardless of physical form or
10 characteristics, having been prepared, or having been or
11 being used, received, possessed, or under the control of the
12 Illinois Sports Facilities Authority dealing with the receipt
13 or expenditure of public funds or other funds of the
14 Authority in connection with the reconstruction, renovation,
15 remodeling, extension, or improvement of all or substantially
16 all of an existing "facility" as that term is defined in the
17 Illinois Sports Facilities Authority Act.

18 (d) "Copying" means the reproduction of any public
19 record by means of any photographic, electronic, mechanical
20 or other process, device or means.

21 (e) "Head of the public body" means the president,
22 mayor, chairman, presiding officer, director, superintendent,
23 manager, supervisor or individual otherwise holding primary
24 executive and administrative authority for the public body,
25 or such person's duly authorized designee.

26 (f) "News media" means a newspaper or other periodical
27 issued at regular intervals, a news service, a radio station,
28 a television station, a community antenna television service,
29 or a person or corporation engaged in making news reels or
30 other motion picture news for public showing.

31 (Source: P.A. 90-144, eff. 7-23-97; 90-670, eff. 7-31-98;
32 91-935, eff. 6-1-01.)

33 Section 15. The Children and Family Services Act is

1 amended by changing Section 5.15 as follows:

2 (20 ILCS 505/5.15)

3 Sec. 5.15. Daycare; Department of Human Services.

4 (a) For the purpose of ensuring effective statewide
5 planning, development, and utilization of resources for the
6 day care of children, operated under various auspices, the
7 Department of Human Services is designated to coordinate all
8 day care activities for children of the State and shall
9 develop or continue, and shall update every year, a State
10 comprehensive day-care plan for submission to the Governor
11 that identifies high-priority areas and groups, relating them
12 to available resources and identifying the most effective
13 approaches to the use of existing day care services. The
14 State comprehensive day-care plan shall be made available to
15 the General Assembly following the Governor's approval of
16 the plan.

17 The plan shall include methods and procedures for the
18 development of additional day care resources for children to
19 meet the goal of reducing short-run and long-run dependency
20 and to provide necessary enrichment and stimulation to the
21 education of young children. Recommendations shall be made
22 for State policy on optimum use of private and public, local,
23 State and federal resources, including an estimate of the
24 resources needed for the licensing and regulation of day care
25 facilities.

26 A written report shall be submitted to the Governor and
27 the General Assembly annually on April 15. The report shall
28 include an evaluation of developments over the preceding
29 fiscal year, including cost-benefit analyses of various
30 arrangements. Beginning with the report in 1990 submitted by
31 the Department's predecessor agency and every 2 years
32 thereafter, the report shall also include the following:

33 (1) An assessment of the child care services, needs

1 and available resources throughout the State and an
2 assessment of the adequacy of existing child care
3 services, including, but not limited to, services
4 assisted under this Act and under any other program
5 administered by other State agencies.

6 (2) A survey of day care facilities to determine
7 the number of qualified caregivers, as defined by rule,
8 attracted to vacant positions and any problems
9 encountered by facilities in attracting and retaining
10 capable caregivers. The report shall include an
11 assessment, based on the survey, of improvements in
12 employee benefits that may attract capable caregivers.

13 (3) The average wages and salaries and fringe
14 benefit packages paid to caregivers throughout the State,
15 computed on a regional basis, compared to similarly
16 qualified employees in other but related fields.

17 (4) The qualifications of new caregivers hired at
18 licensed day care facilities during the previous 2-year
19 period.

20 (5) Recommendations for increasing caregiver wages
21 and salaries to ensure quality care for children.

22 (6) Evaluation of the fee structure and income
23 eligibility for child care subsidized by the State.

24 The requirement for reporting to the General Assembly
25 shall be satisfied by filing copies of the report with the
26 Speaker, the Minority Leader, and the Clerk of the House of
27 Representatives, the President, the Minority Leader, and the
28 Secretary of the Senate, and the Legislative Research Unit,
29 as required by Section 3.1 of the General Assembly
30 Organization Act, and filing such additional copies with the
31 State Government Report Distribution Center for the General
32 Assembly as is required under paragraph (t) of Section 7 of
33 the State Library Act.

34 (b) The Department of Human Services shall establish

1 policies and procedures for developing and implementing
2 interagency agreements with other agencies of the State
3 providing child care services or reimbursement for such
4 services. The plans shall be annually reviewed and modified
5 for the purpose of addressing issues of applicability and
6 service system barriers.

7 (c) In cooperation with other State agencies, the
8 Department of Human Services shall develop and implement, or
9 shall continue, a resource and referral system for the State
10 of Illinois either within the Department or by contract with
11 local or regional agencies. Funding for implementation of
12 this system may be provided through Department appropriations
13 or other inter-agency funding arrangements. The resource and
14 referral system shall provide at least the following
15 services:

16 (1) Assembling and maintaining a data base on the
17 supply of child care services.

18 (2) Providing information and referrals for
19 parents.

20 (3) Coordinating the development of new child care
21 resources.

22 (4) Providing technical assistance and training to
23 child care service providers.

24 (5) Recording and analyzing the demand for child
25 care services.

26 (d) The Department of Human Services shall conduct day
27 care planning activities with the following priorities:

28 (1) Development of voluntary day care resources
29 wherever possible, with the provision for grants-in-aid
30 only where demonstrated to be useful and necessary as
31 incentives or supports. By January 1, 2002, the
32 Department shall design a plan to create more child care
33 slots as well as goals and timetables to improve quality
34 and accessibility of child care.

1 (2) Emphasis on service to children of recipients
 2 of public assistance when such service will allow
 3 training or employment of the parent toward achieving the
 4 goal of independence.

5 (3) (Blank). ~~Maximum--employment--of--recipients--of~~
 6 ~~public--assistance--in--day--care--centers--and--day--care--homes,~~
 7 ~~operated--in--conjunction--with--short--term--work--training~~
 8 ~~programs.~~

9 (4) Care of children from families in stress and
 10 crises whose members potentially may become, or are in
 11 danger of becoming, non-productive and dependent.

12 (5) Expansion of family day care facilities
 13 wherever possible.

14 (6) Location of centers in economically depressed
 15 neighborhoods, preferably in multi-service centers with
 16 cooperation of other agencies. The Department shall
 17 coordinate the provision of grants, but only to the
 18 extent funds are specifically appropriated for this
 19 purpose, to encourage the creation and expansion of
 20 child care centers in high need communities to be issued
 21 by the State, business, and local governments.

22 (7) Use of existing facilities free of charge or
 23 for reasonable rental whenever possible in lieu of
 24 construction.

25 (8) Development of strategies for assuring a more
 26 complete range of day care options, including provision
 27 of day care services in homes, in schools, or in centers,
 28 which will enable a parent or parents to complete a
 29 course of education or obtain or maintain employment and
 30 the creation of more child care options for swing shift,
 31 evening, and weekend workers and for working women with
 32 sick children. The Department shall encourage companies
 33 to provide child care in their own offices or in the
 34 building in which the corporation is located so that

1 employees of all the building's tenants can benefit from
2 the facility.

3 (9) Development of strategies for subsidizing
4 students pursuing degrees in the child care field.

5 (10) Continuation and expansion of service programs
6 that assist teen parents to continue and complete their
7 education.

8 Emphasis shall be given to support services that will
9 help to ensure such parents' graduation from high school and
10 to services for participants in any programs the--Project
11 Change-program of job training conducted by the Department.

12 (e) The Department of Human Services shall actively
13 stimulate the development of public and private resources at
14 the local level. It shall also seek the fullest utilization
15 of federal funds directly or indirectly available to the
16 Department.

17 Where appropriate, existing non-governmental agencies or
18 associations shall be involved in planning by the Department.

19 (f) To better accommodate the child care needs of low
20 income working families, especially those who receive
21 Temporary Assistance for Needy Families (TANF) or who are
22 transitioning from TANF to work, or who are at risk of
23 depending on TANF in the absence of child care, the
24 Department shall complete a study using outcome-based
25 assessment measurements to analyze the various types of child
26 care needs, including but not limited to: child care homes;
27 child care facilities; before and after school care; and
28 evening and weekend care. Based upon the findings of the
29 study, the Department shall develop a plan by April 15, 1998,
30 that identifies the various types of child care needs within
31 various geographic locations. The plan shall include, but
32 not be limited to, the special needs of parents and guardians
33 in need of non-traditional child care services such as early
34 mornings, evenings, and weekends; the needs of very low

1 income families and children and how they might be better
2 served; and strategies to assist child care providers to meet
3 the needs and schedules of low income families.

4 (Source: P.A. 89-507, eff. 7-1-97; 90-236, eff. 7-28-97;
5 90-590, eff. 1-1-99.)

6 Section 20. The Child Death Review Team Act is amended
7 by changing Sections 10, 15, 30, and 35 and by adding Section
8 40 as follows:

9 (20 ILCS 515/10)

10 Sec. 10. Definitions. As used in this Act, unless the
11 context requires otherwise:

12 "Child" means any person under the age of 18 years unless
13 legally emancipated by reason of marriage or entry into a
14 branch of the United States armed services.

15 "Department" means the Department of Children and Family
16 Services.

17 "Director" means the Director of Children and Family
18 Services.

19 "Executive Council" means the Illinois Child Death Review
20 Teams Executive Council.

21 (Source: P.A. 90-239, eff. 7-28-97.)

22 (20 ILCS 515/15)

23 Sec. 15. Child death review teams; establishment.

24 (a) The Director, in consultation with the Executive
25 Council, law enforcement, and other professionals who work in
26 the field of investigating, treating, or preventing child
27 abuse or neglect in that subregion, shall appoint members to
28 a child death review team in each of the Department's
29 administrative subregions of the State outside Cook County
30 and at least one child death review team in Cook County. The
31 members of a team shall be appointed for 2-year terms and

1 shall be eligible for reappointment upon the expiration of
2 the terms.

3 (b) Each child death review team shall consist of at
4 least one member from each of the following categories:

5 (1) Pediatrician or other physician knowledgeable
6 about child abuse and neglect.

7 (2) Representative of the Department.

8 (3) State's attorney or State's attorney's
9 representative.

10 (4) Representative of a local law enforcement
11 agency.

12 (5) Psychologist or psychiatrist.

13 (6) Representative of a local health department.

14 (7) Representative of a school district or other
15 education or child care interests.

16 (8) Coroner or forensic pathologist.

17 (9) Representative of a child welfare agency or
18 child advocacy organization.

19 (10) Representative of a local hospital, trauma
20 center, or provider of emergency medical services.

21 Each child death review team may make recommendations to
22 the Director concerning additional appointments.

23 Each child death review team member must have
24 demonstrated experience and an interest in investigating,
25 treating, or preventing child abuse or neglect.

26 (c) Each child death review team shall select a
27 chairperson from among its members. The chairperson shall
28 also serve on the Illinois Child Death Review Teams Executive
29 Council.

30 (Source: P.A. 88-614, eff. 9-7-94.)

31 (20 ILCS 515/30)

32 Sec. 30. Public access to information.

33 (a) Meetings of the child death review teams and the

1 Executive Council shall be closed to the public. Meetings of
2 the child death review teams and the Executive Council are
3 not subject to the Open Meetings Act (5 ILCS 120/1-~~et-seq.~~),
4 as provided in that Act.

5 (b) Records and information provided to a child death
6 review team and the Executive Council, and records maintained
7 by a team or the Executive Council, are confidential and not
8 subject to the Freedom of Information Act (5 ILCS 140/1-~~et~~
9 ~~seq.~~), as provided in that Act.

10 Nothing contained in this subsection (b) prevents the
11 sharing or disclosure of records, other than those produced
12 by a Child Death Review Team or the Executive Council,
13 relating or pertaining to the death of a minor under the care
14 of or receiving services from the Department of Children and
15 Family Services and under the jurisdiction of the juvenile
16 court with the juvenile court, the State's Attorney, and the
17 minor's attorney.

18 (c) Members of a child death review team and the
19 Executive Council are not subject to examination, in any
20 civil or criminal proceeding, concerning information
21 presented to members of the team or the Executive Council or
22 opinions formed by members of the team or the Executive
23 Council based on that information. A person may, however, be
24 examined concerning information provided to a child death
25 review team or the Executive Council that is otherwise
26 available to the public.

27 (d) Records and information produced by a child death
28 review team and the Executive Council are not subject to
29 discovery or subpoena and are not admissible as evidence in
30 any civil or criminal proceeding. Those records and
31 information are, however, subject to discovery or a subpoena,
32 and are admissible as evidence, to the extent they are
33 otherwise available to the public.

34 (Source: P.A. 90-15, eff. 6-13-97)

1 (20 ILCS 515/35)

2 Sec. 35. Indemnification. The State shall indemnify and
3 hold harmless members of a child death review team and the
4 Executive Council for all their acts, omissions, decisions,
5 or other conduct arising out of the scope of their service on
6 the team or Executive Council, except those involving willful
7 or wanton misconduct. The method of providing
8 indemnification shall be as provided in the State Employee
9 Indemnification Act (5 ILCS 350/1 et seq.).

10 (Source: P.A. 88-614, eff. 9-7-94.)

11 (20 ILCS 515/40 new)

12 Sec. 40. Illinois Child Death Review Teams Executive
13 Council.

14 (a) The Illinois Child Death Review Teams Executive
15 Council, consisting of the chairpersons of the 9 child death
16 review teams in Illinois, is the coordinating and oversight
17 body for child death review teams and activities in Illinois.
18 The vice-chairperson of a child death review team, as
19 designated by the chairperson, may serve as a back-up member
20 or an alternate member of the Executive Council, if the
21 chairperson of the child death review team is unavailable to
22 serve on the Executive Council. The Inspector General of the
23 Department, ex officio, is a non-voting member of the
24 Executive Council. The Director may appoint to the Executive
25 Council any ex-officio members deemed necessary. Persons
26 with expertise needed by the Executive Council may be invited
27 to meetings. The Executive Council must select from its
28 members a chairperson and a vice-chairperson, each to serve a
29 2-year, renewable term.

30 The Executive Council must meet at least 4 times during
31 each calendar year.

32 (b) The Department must provide or arrange for the staff
33 support necessary for the Executive Council to carry out its

1 duties. The Director, in cooperation and consultation with
2 the Executive Council, shall appoint, reappoint, and remove
3 team members.

4 (c) The Executive Council has, but is not limited to,
5 the following duties:

6 (1) To serve as the voice of child death review
7 teams in Illinois.

8 (2) To oversee the regional teams in order to
9 ensure that the teams' work is coordinated and in
10 compliance with the statutes and the operating protocol.

11 (3) To ensure that the data, results, findings, and
12 recommendations of the teams are adequately used to make
13 any necessary changes in the policies, procedures, and
14 statutes in order to protect children in a timely manner.

15 (4) To collaborate with the General Assembly, the
16 Department, and others in order to develop any
17 legislation needed to prevent child fatalities and to
18 protect children.

19 (5) To assist in the development of quarterly and
20 annual reports based on the work and the findings of the
21 teams.

22 (6) To ensure that the regional teams' review
23 processes are standardized in order to convey data,
24 findings, and recommendations in a usable format.

25 (7) To serve as a link with child death review
26 teams throughout the country and to participate in
27 national child death review team activities.

28 (8) To develop an annual statewide symposium to
29 update the knowledge and skills of child death review
30 team members and to promote the exchange of information
31 between teams.

32 (9) To provide the child death review teams with
33 the most current information and practices concerning
34 child death review and related topics.

1 (10) To perform any other functions necessary to
 2 enhance the capability of the child death review teams to
 3 reduce and prevent child injuries and fatalities.

4 (d) In any instance when a child death review team does
 5 not operate in accordance with established protocol, the
 6 Director, in consultation and cooperation with the Executive
 7 Council, must take any necessary actions to bring the team
 8 into compliance with the protocol.

9 Section 25. The Department of State Police Law of the
 10 Civil Administrative Code of Illinois is amended by adding
 11 Section 2605-480 as follows:

12 (20 ILCS 2605/2605-480 new)

13 Sec. 2605-480. Statewide kidnapping alert program. The
 14 Department of State Police shall develop a coordinated
 15 program for a statewide emergency alert system when a child
 16 is missing or kidnapped.

17 Section 95. No acceleration or delay. Where this Act
 18 makes changes in a statute that is represented in this Act by
 19 text that is not yet or no longer in effect (for example, a
 20 Section represented by multiple versions), the use of that
 21 text does not accelerate or delay the taking effect of (i)
 22 the changes made by this Act or (ii) provisions derived from
 23 any other Public Act.

24 Section 99. Effective date. This Act takes effect upon
 25 becoming law.